

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.1831 OF 2023
WITH APPLN/3925/2023 IN BA/1831/2023**

CHINTYA @ AKASH BABAN DANDAWATE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Nilesh S. Ghanekar, Advocate for the Applicant.
Mr. K. S. Patil, APP for Respondents-State.
Mr. N. B. Narwade, Advocate for Complainant.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th OCTOBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.221/2023 registered with M.I.D.C. Police Station, District Ahmednagar for the offences punishable under Sections 307 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the complaint dated 20.03.2023 given by Yogesh Chandrakant Galande (victim), who alleges that he had partnership business with the applicant. They had arrived at some understanding regarding partition of the business. However, thereafter some dispute crept up. On 13.03.2023 at about 11.30 am while he was having tea at MIDC canteen, the accused arrived in Baleno car alongwith his brother. The applicant assaulted him using iron rod. It is further alleged that even the co-accused Kiran Dandwate assaulted him using iron rod. Thereafter, they dispersed from the spot. The applicant has been arrested on 20.03.2023. Since then, he is behind the bar. The investigation progressed. During the course of investigation, the investigating

machinery arrived at conclusion that accused no.2 has not participated in the offence and his presence was found elsewhere. Therefore, charge-sheet is filed only against the applicant for the offences punishable under Sections 307 r/w 34 of the Indian Penal Code.

3. Mr. Ghanekar, learned Advocate appearing for the applicant would submit that there is controversy between the applicant and the informant on account of business transactions. Although, incident is dated 13.03.2023, the FIR is lodged on 20.03.2023. The applicant alongwith his brother is falsely implicated in the aforesaid crime. During the course of investigation it is revealed that, the allegations against accused no.2 in the FIR are baseless. Hence, 'B' Summary report is filed against him. He would submit that the genesis of the prosecution itself is shaken, in view of the result of the investigation. Hence, urges to release the applicant on bail.

4. The learned APP appearing for the State and Mr. Narwade, learned Advocate for the informant strongly oppose the prayer for grant of bail. They would submit that the informant had suffered grievous injuries because of assault by accused using deadly weapons. The medical certificate as well as the statements of the eye witnesses support the case of the prosecution. The release of the applicant may hamper smooth trial.

5. Having considered the submissions advanced, it can be observed that the FIR was lodged making allegations against two accused persons including the applicant. The statements of the eye witnesses would show that the allegation is made only against one person being assailant. Even, first communication in respect of incident between Police Station at Pune and MIDC

Police Station would depict that the allegation of assault is only against one person. *Prima facie*, FIR is coming with some twisted version. Although, there is medical evidence regarding injuries suffered by the informant, considering the fact that the applicant is behind the bar for more than six months and trial is likely to take its own course, further detention of the applicant is not necessary. Hence, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Chintya @ Akash s/o Baban Dandawate be released on bail in Crime No.221/2023 registered with M.I.D.C. Police Station, District Ahmednagar for the offences punishable under Sections 307 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall not indulge himself in any other criminal activity.
 - c. The applicant shall not enter Ahmednagar Corporation area, except for attending the Court proceedings for a period of six months.
- (iii) Application is disposed of.
- (iv) In view of disposal of Bail Application, the Criminal Application No.3925/2023 is also disposed of.

(S. G. CHAPALGAONKAR)
JUDGE